

PUBLIC CHAPTER NO. 1090

HOUSE BILL NO. 3874

By Representative Fitzhugh

Substituted for: Senate Bill No. 3802

By Senator McNally

AN ACT to amend Tennessee Code Annotated, Section 67-4-1015, relative to tobacco licensing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 67-4-1015, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) Before engaging in the business of selling, distributing or handling tobacco products in this state, every person required to be licensed by this part shall obtain a license authorizing the person to engage in such business prior to the commencement of business. All persons currently engaged in the business of selling, distributing, or handling tobacco products in this state, and required to be licensed by this part, shall apply for a renewal of such license on or before May 31 of each year.

SECTION 2. Tennessee Code Annotated, Section 67-4-1015(b)(2), is amended by inserting the language "and telephone number" between the word "address" and the word "of".

SECTION 3. Tennessee Code Annotated, Section 67-4-1015(b), is amended by adding the following language as new, appropriately designated subdivisions:

(_) Name, address and telephone number of the resident agent, as defined by §67-4-1001(14);

(_) Name, address and telephone number of a registered agent;

SECTION 4. Tennessee Code Annotated, Section 67-4-1015(c), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) Application for licenses shall be accompanied by the following fees:

(A) Manufacturing distributor--Two hundred dollars (\$200.00) for each plant or processing location;

(B) Tobacco manufacturer's warehouse--Two hundred dollars (\$200.00) for each storage warehouse;

(C) Wholesale dealer and jobber--Two hundred dollars (\$200.00) for each separate sale warehouse;

(D) Tobacco distributor--One hundred dollars (\$100.00) for each secondary wholesale location where tobacco products are received or ordered for delivery to other than the ultimate consumer;

SECTION 5. Tennessee Code Annotated, Section 67-4-1015(c)(2)(B), is amended by deleting the language "one dollar (\$1.00)" and by substituting instead the language "twenty-five dollars (\$25.00)".

SECTION 6. Tennessee Code Annotated, Section 67-4-1015(c)(2), is amended by adding the following language as a new subdivision:

(C) Applications for renewal of a license may be denied for failure of the licensee to pay the tax or taxes imposed by this part or for the violation of any provision of this part or any rule or regulation promulgated by the commissioner under the authority vested in the commissioner.

SECTION 7. Tennessee Code Annotated, Section 67-4-1015, is further amended by deleting subsection (d) in its entirety and by substituting instead the following:

(d) Any person who engages in any business or activity for which a license is required under the provisions of this part without obtaining a license to do so, or who fails to file an application for renewal of a license before expiration of the current license, is subject to a specific penalty in the amount of the license fee for each month or part of a month during which the activity or failure continues. In addition to this specific penalty, the commissioner may impose a penalty of no more than two hundred fifty dollars (\$250.00) a day for each day during which the activity or failure occurs or continues. This discretionary penalty may also be imposed upon a person to whom a license has been issued, if the person continues to engage in the business or activity after receiving notice the license is revoked or suspended by the commissioner.

SECTION 8. Tennessee Code Annotated, Section 67-4-1015(f)(1), is amended by deleting the language "The commissioner, in the commissioner's discretion, is empowered to" and by substituting instead the language "Except as provided in subdivision (f)(2), the commissioner shall".

SECTION 9. Tennessee Code Annotated, Section 67-4-1015, is further amended by adding the following language as a new subsection:

(j) All information provided by licensees pursuant to subsection (b) shall remain current. Licensees shall notify the commissioner, in writing, within ten (10) days of any change in such information.

SECTION 10. This act shall take effect July 1, 2008, the public welfare requiring it.

PASSED: May 15, 2008


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY, SPEAKER
SENATE OF THE SENATE

APPROVED this 3rd day of June 2008


PHIL BREDESEN, GOVERNOR